

for the

United States of America

Case No: 4:04-167-001 (TLW)

-versus-

USM No: 10515-001

Pro se

Defendant's Attorney

**Gilbert Leander Davis, Jr.**

Date of Previous Judgment: August 11, 2009

*(Use Date of Last Amended Judgment if Applicable)*

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is **DENIED** (Doc.# 95). Defendant's guideline range, while it was lowered under Amendment 706, is unaffected by Amendment 750. To the extent the motion requests counsel, it is deemed **MOOT**. Pursuant to standing Order of the Court, the Federal Public Defenders Office for the District of South Carolina has been appointed to represent defendants, with their consent, to review their files and determine if Amendment 750 of the Fair Sentence Act of 2010 applies to them.

**IT IS SO ORDERED.**

Order Date: February 6, 2012

s/ Terry L. Wooten  
*Judge's signature*

Effective Date:  
(if different from above)

Terry L. Wooten, United States District Judge